ESTTA Tracking number:

ESTTA620490 08/08/2014

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| Proceeding | 77199918 |
|---------------------------|---|
| Applicant | Chicago Mercantile Exchange Inc. |
| Applied for Mark | СНІ |
| Correspondence Address | TATYANA V GILLES NORVELL IP LLC 1776 ASH STREET NORTHFIELD, IL 60093 UNITED STATES officeactions@norvellip.com, tgiles@norvellip.com, jkucala@norvellip.com |
| Submission | Applicants Request for Remand and Amendment |
| Attachments | 140808 Request for Remand and Request for Reconsideration w Exhibits.pdf(1142205 bytes) |
| Filer's Name | J. Ryan Hinshaw |
| Filer's e-mail | officeactions@norvellip.com, rhinshaw@norvellip.com |
| Signature | /J. Ryan Hinshaw/ |
| Date | 08/08/2014 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application of:

CHICAGO MERCANTILE EXCHANGE INC.

Serial No.: 77/199,918 Linda A. Powell

Examining Attorney:

Filed: June 7, 2007

Law Office 106

Mark: CHI

APPLICANT'S REQUEST TO SUSPEND THE APPEAL AND REMAND THE APPLICATION FOR FURTHER EXAMINATION AND CONSIDERATION

Pursuant to 37 CFR § 2.142(d) and Section 1207.02 of the Trademark Trial and Appeal Board Manual of Procedure ("TBMP"), Applicant, Chicago Mercantile Exchange Inc. ("Applicant"), through its undersigned counsel, files this request in good faith to suspend the appeal and remand the application to the Examining Attorney for further examination and consideration. This request is filed prior to the rendering of the Trademark Trial and Appeal Board's (the "Board") final decision on the appeal. Applicant has good cause for filing this request and satisfies the Board's requirements to warrant suspension and remand. Applicant does not seek to unnecessarily delay this proceeding, but it is important to address Examining Attorney's July 14th Denial.

The Examining Attorney recently denied Applicant's Request for Further Examination for the mark CHI ("Mark" or "CHI Mark"). This denial raised two new issues that can be easily addressed and may eliminate the need for the appeal, or at least further narrow the issues on appeal. Specifically, the Examining Attorney stated (1) the evidence was not supported in the record, and (2) the Substitute Specimens required a

supporting declaration. In the accompanying Request for Further Examination, Applicant has properly addressed both issues.

The sole issue on appeal relates to the acceptability of the specimen. Before the Board spends it time reviewing the parties submissions, it is wise for the Examining Attorney to consider Applicant's final issues. Applicant has no interest in unnecessarily delaying this appeal and has simultaneously filed its Reply brief in support of its appeal.

BACKGROUND

Applicant previously filed its application to register the CHI Mark in International Class 36 for "investment services, namely, providing futures, options contracts related to hurricanes for trading on an exchange" (Applicant's Investment Services"). The Examining Attorney refused registration and this appeal process has substantially narrowed the focus to a single issue: Acceptability of the Applicant's specimens to show use of the CHI Mark in connection with the Investment Services.

Applicant previously filed a Request to Suspend and Remand for Further Examination to submit Substitute Specimens and the Board granted this Request. Recently, the Examining Attorney denied consideration of these Substitute Specimens and maintained the refusal to register. However, the Examining Attorney's denial raises two new issues that can be easily addressed. Applicant's deadline to file its reply brief is on August 8, 2014 and Applicant intends to request an oral hearing.

Applicant now requests suspension of the appeal and remand for further examination to address the two isolated issues raised by the Examining Attorney in her denial dated July 14, 2014.

ARGUMENT

The Board's rules specifically authorize remand and submission of new evidence while an appeal is pending. To do so, the Applicant should request suspension of the appeal and to remand the application for further examination. 37 CFR § 2.142(d); TBMP § 1207.01. To be considered timely, a request to suspend and remand for additional evidence must be filed prior to the rendering of the Board's final decision on the appeal. TBMP § 1207.02. In addition, remand is a matter of discretion of the Board, and the request for remand will be granted upon a showing of good cause. *Id.* The request also must be accompanied by the additional evidence sought to be introduced. *Id. See, e.g. In Re Htc Sweden Ab*, 2013 WL 5467007 (TTAB 2013) (the appellant's request for remand for additional evidence granted); *In Re Advanced Armament Corp.*, 2013 WL 6355603 (TTAB 2013) (the examining attorney's request to remand the application "to allow for the inclusion of new and relevant evidence that was not previously available" granted).

A. Applicant's Request Is Timely and Accompanied by Required Evidence.

In this case, Applicant meets all requirements for filing the request to suspend and remand for additional evidence. This request is filed before the Board rendered its final decision on the appeal. Applicant's deadline to file a Reply brief is August 8, 2014 and Applicant will be requesting an oral hearing. Moreover, the request is accompanied by required evidence, namely, evidence from Applicant's website supporting prior statements and evidence submitted by Applicant's counsel and a signed declaration to support the Substitute Specimens. Attached as Exhibit A is Applicant's Request for Further Examination and Consideration.

B. Applicant Demonstrates Good Cause for Suspension & Remand.

Applicant also meets the good cause standard. The rule states that a showing of good cause "may take the form of a satisfactory explanation as to why the evidence was not filed prior to appeal." TBMP §1207.02. In the present case, the sole remaining issue on the appeal is whether the Mark is used to identify the source of Applicant's Investment Services, which is judged by the specimens of record.

In its earlier Request for Further Examination, Applicant stated that the Substitute Specimens were in use in commerce prior to the filling of the Statement of Use and provided context regarding the use and function of these specimens. However, the Examining Attorney recently raised objections regarding such issues during the Remand and it is appropriate for Applicant to substantively respond. More importantly, Applicant could not have previously addressed the issues because they were only just raised by Examining Attorney's July 14th Denial. Applicant firmly believes that these submissions will make it quite clear that the Substitute Specimens are acceptable and show use of the CHI Mark in connection with the Investment Services. Therefore, it is unnecessary for the parties to proceed further with this appeal.

C. Granting Suspension and Remand Will Streamline the Issues and May Avoid the Appeal.

Applicant strongly believes that the Remand is appropriate to allow Applicant to squarely address Examining Attorney's position and possibly avoid the Board spending time and resources in considering this appeal. The Examining Attorney could have issued an office action on the information submitted during Remand, but she did not do so. Therefore, Applicant did not have the opportunity to address Examining Attorney's issues. In the interest of efficiency alone, the Board should suspend and remand to

avoid the need to conduct an oral hearing and, more importantly, spend limited time and

resources evaluating the parties' briefs and rendering a decision. Accordingly, the

Board should exercise its discretion and suspend the appeal and remand the

application to the Examining Attorney for further examination based on additional

evidence.

CONCLUSION

Based upon the foregoing, Applicant respectfully requests that the Board grant its

request to suspend the appeal and remand the application to the Examining Attorney for

further examination and consideration. The attached Request squarely addresses both

of the issues raised by the Examining Attorney in her July 14th Denial. Moreover,

Applicant's request is timely and Applicant has demonstrated the requisite good cause

to grant this request.

Respectfully submitted,

CHICAGO MERCANTILE

EXCHANGE INC.

Dated: August 8, 2014 By: /J. Ryan Hinshaw/

Joseph T. Kucala, Jr. J. Ryan Hinshaw Norvell IP IIc 1776 Ash Street Northfield, IL 60093

Tel: 888.315.0732 Fax: 312.268.5063

officeactions@norvellip.com

ATTORNEYS FOR APPLICANT

5

Exhibit A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application of:

CHICAGO MERCANTILE EXCHANGE INC.

77/199,918 Linda A. Powell

Examining Attorney:

Law Office 106

Filed: June 7, 2007

_ . . _ _ . . .

Mark: CHI

Serial No.:

REQUEST FOR FURTHER EXAMINATION AND CONSIDERATION BY THE EXAMINING ATTORNEY

I. INTRODUCTION

Applicant, Chicago Mercantile Exchange Inc. ("Applicant"), through its undersigned counsel, hereby files its Request for Further Examination and Consideration. Applicant has previously detailed the prosecution history for its application to register the mark CHI ("Applicant's Mark") in International Class 36 for "investment services, namely, providing futures, options contracts related to hurricanes for trading on an exchange" (Applicant's Investment Services").

Applicant previously submitted certain Substitute Specimens on December 9, 2013 and on July 14th, the Examining Attorney denied acceptance of the Substitute Specimens. In response, Applicant submits the following:

First, Applicant clarifies and provides further evidence regarding use and purpose of Applicant's Substitute Specimens.

Second, Applicant submits a supporting declaration regarding the Substitute Specimens.

Therefore, the evidence is properly before the Board and for consideration by the Examining Attorney and the Board. It is Applicant's hope that Examining Attorney will find the Substitute Specimens sufficiently show use of the CHI Mark in connection with the Investment Services and withdraw the refusal to register.

II. BACKGROUND

Applicant previously filed a Request for Further Examination and Consideration of Additional Evidence by the Examining Attorney. In support, Applicant submitted Substitute Specimens that clearly showed use of the CHI Mark in connection with Investment Services. In a signed submission, Applicant stated that the Substitute Specimens "were in use in commerce prior to the expiration of the filing deadline for filing a Statement of Use." In addition, Applicant submitted evidence regarding how the Substitute Specimens were used by Applicant and their function.

In a denial dated July 14, 2014, the Examining Attorney stated the evidence was not properly submitted because: (1) they were not properly submitted and lacked proof in the record to support statements by Applicant's counsel, and (2) they lacked a supporting declaration. This is the first time that either point was raised by Examining Attorney, despite informal review of such specimens during the appeal. Applicant now briefly addresses both concerns, as these issues could have been raised in a further office action.

III. ARGUMENT

A. Substitute Specimens Were Properly Submitted.

As Substitute Specimens, Applicant submitted excerpts from Applicant's Rulebook regarding the Investment Services. Without explanation, Examining Attorney states the Substitute Specimens were not properly submitted; however. Examining

Attorney's objection appears to be focused on the evidence regarding explanation of the Substitute Specimens and not the actual Substitute Specimens. Specifically, Examining Attorney claims that Applicant's counsel is without knowledge and familiarity to describe the use and function of the Substitute Specimens. Therefore, the objection is targeted towards Applicant's explanation and not the actual Substitute Specimens. In addition, Applicant's counsel is not asserting information regarding the consumer perception of the Substitute Specimens, but Applicant's intended function and purpose of its Rulebook from which the Substitute Specimens were derived.

First, Applicant's website at http://www.cmegroup.com/market-regulation/rulebook/ states that Applicant, as a self-regulatory organization, has its own set of rules for governance. See Exhibit 1. These rules are comprised in the Applicant's Rulebook. More importantly, Chapter 4, Enforcement of Rules, states that Members (defined as those with trading privileges at Applicant's exchange in addition to others) are "deemed to know, consent to and be bound by all Exchange Rules." See Exhibit 2. This further supports the evidence previously presented by Applicant in its Request for Further Examination. Members are the relevant consumers of Applicant's CHI services who use the information in Applicant's Rulebook to make purchasing decisions.

Second, the Examining Attorney claims that Applicant's Substitute Specimens are "buried" in a larger Rulebook, but there is no support for such a statement in the record. Instead, each particular future or option contract traded on the Applicant's exchange is the subject of a separate chapter of Rules. This is demonstrated in Exhibit 3, which shows a list of all of the different chapters in the Rulebook for Applicant's futures and options contracts. The services indicated by Applicant's CHI mark are the

subject of at least six chapters of Applicant's Rulebook. Applicant's use of the CHI mark

is featured prominently in each of these chapters, not at all "buried."

Therefore, the record clearly supports the use and function of the Substitute

Specimens.

B. Applicant Supplies A Supporting Declaration.

To address the Examining Attorney's objection, Applicant attaches hereto at

Exhibit 4 a signed declaration regarding the Substitute Specimens.

IV. CONCLUSION

The foregoing squarely addresses recent issues raised by the Examining

Attorney in her July 14th Denial. As a result, the Substitute Specimens are proper and

acceptable specimens showing use of the CHI Mark as the source identifier for the

provision of the Applicant's Investment Services. Applicant respectfully requests that

the Examining Attorney withdraw the refusal to register and accept the Substitute

Specimens submitted by Applicant, thereby mooting the appeal.

Respectfully submitted,

CHICAGO MERCANTILE

EXCHANGE INC.

Dated: August 8, 2014 By: /**J. F**

/J. Ryan Hinshaw/

Joseph T. Kucala, Jr. J. Ryan Hinshaw

J. Ryan Hinsnaw Norvell IP IIc

1776 Ash Street

Northfield, IL 60093

Tel: 888.315.0732

Fax: 312.268.5063

officeactions@norvellip.com

ATTORNEYS FOR APPLICANT

4

Exhibit 1



Search CMEGroup.com Login I Feedback

Products & Trading -

Clearing -

Market Regulation -

Market Data ▼

Education -

About Us ▼

Global

Rulebooks



Exchange-Specific Rules for CME, CBOT, NYMEX and COMEX

CME, CBOT, NYMEX and COMEX are independent exchanges, each of which maintains its own set of rules. Although all four exchanges have been merged to form CME Group, each exchange remains a separate self-regulatory organization. In order to provide a common regulatory framework for market users, the rulebooks have been substantially harmonized, making the rules parallel in structure, numbering and language where possible. Please note that the rules in the NYMEX Rulebook are applicable to both NYMEX and COMEX. The

The Rulebooks are listed below:

- CME Rulebook
- CBOT Rulebook
- NYMEX Rulebook
- SEF Rulebook

Rulebook Harmonization

Information on significant remaining differences in CME, CBOT, NYMEX and COMEX rules is available by clicking here.

Quick Links

- Special Executive Reports (SERs)
- Rulebooks
- Market Regulation Advisory Notices (MRANs)
- Position Limits
- Fee Schedule
- Subscribe to MRANs
- Subscribe to SERs
- Subscribe to Disciplinary Notices

Futures & Options Trading

As the world's leading and most diverse derivatives marketplace, CME Group is where the world comes to manage risk. CME Group exchanges offer the widest range of global benchmark products across all major asset classes, including futures and options based on interest rates, equity indexes, foreign exchange, energy, agricultural commodities, metals, weather and real estate. CME Group brings buyers and sellers together through the CME Globex electronic trading platform and trading facilities in New York and Chicago. CME Group also operates CME Clearing, one of the largest central counterparty clearing services in the world, which provides clearing and settlement services for exchangetraded contracts, as well as for over-the-counter derivatives transactions through CME ClearPort.

Interact with CME Group



Follow us on Twitter



Follow us on Facebook



View RSS Feeds



Subscription Center



Follow us on Google+

Idea Exchange

Idea Exchange is your direct link to the product managers, marketers, and the development teams who create cmegroup.com and will allow you to review functionality, participate in focus and provide feedback on upcoming Web initiatives

Follow us on Pinterest









Contact Us

CME Group/Chicago HQ:

Local: +1 312 930 1000 Toll Free: +1 866 716 7274

Global Customer Contacts

More CME Group Direct Lines

Phone list by department

Global Partnerships

Exchange Partners

I Index Partners

I Subsidiaries & Other Ventures

Global

Français

I Deutsch

I Italiano

I Español

I Português

I 中文 (简体) Chinese Simplified

I 中文 (繁體) Chinese Traditional

I日本語 Japanese

I한국어 Korean

Global Offices -Contact Information

Chicago - Global Headquarters

I New York

I Washington, D.C.

I Houston

l Calgary

l São Paulo

l London

l Belfast

l Singapore

I Hong Kong

l Tokyo

l Seoul

l Beijing



© 2014 CME Group Inc. All rights reserved.

Careers
I Site Map
I Disclaimer
I Privacy Policy

CME Group is the world's leading and most diverse derivatives marketplace. The company is comprised of four Designated Contract Markets (DCMs). Further information on each exchange's rules and product listings can be found by clicking on the links to CME, CBOT, NYMEX, and COMEX.

Exhibit 2



Chapter 4 Enforcement of Rules

400. GENERAL PROVISIONS

The Board has adopted Rules, and from time to time adopts amendments and supplements to such Rules, to promote a free and open market on the Exchange, to maintain appropriate business conduct and to provide protection to the public in its dealings with the Exchange and its Members. The Board has created committees to which it has delegated responsibility for the investigation, hearing and imposition of penalties for violations of Exchange Rules. The Board has also delegated responsibility for the investigation and imposition of penalties for violations of Exchange Rules to Exchange staff as set forth in the Rules. The delegation of such responsibility and authority shall in no way limit the authority of the Board with respect to all Rule violations.

Pursuant to CFTC Regulation §38.7, the Exchange may not use for business or marketing purposes any proprietary data or personal information collected or received, from or on behalf of any Person, for the purpose of fulfilling its regulatory obligations; provided however, that the Exchange may use such data or information for business or marketing purposes if the Person from whom it collects or receives such data or information clearly consents to the Exchange's use of such data or information in such manner. The Exchange may, where necessary or appropriate for regulatory purposes, share such data or information with one or more designated contract markets or swap execution facilities registered with the CFTC. The Exchange is precluded from conditioning access to its markets on a Person's consent to the use of such data for business or marketing purposes.

For purposes of Chapter 4, the term "Member" shall mean: 1) members and clearing members of the Exchange, including retired members with floor access privileges and individuals and entities described in Rule 106; 2) associated persons ("APs") and affiliates of clearing members and member firms of the Exchange; 3) guaranteed introducing brokers of clearing members and member firms of the Exchange and their APs; 4) Exchange permit holders and any person or entity that has been granted cross-exchange trading privileges; 5) employees, authorized representatives, contractors, and agents of any of the above persons or entities, in regard to the Exchange related activities of such individuals; 6) regular firms; 7) individuals and entities that have agreed in writing or via electronic signature to comply with the Rules of the Exchange; and 8) CBOT members, KCBT Permit Holders and other individuals who have access to the Floor.

Members are deemed to know, consent to and be bound by all Exchange Rules. Former Members shall be subject to the continuing jurisdiction of the Exchange, including, without limitation, the application of Rule 432.L., with respect to any conduct that occurred while a Member.

401. THE CHIEF REGULATORY OFFICER

It shall be the duty of the Chief Regulatory Officer to enforce Exchange Rules, and he shall have available to him at all times the resources of the Market Regulation Department and such other Exchange resources as may be necessary to conduct investigations of potential or alleged Rule violations and market conditions. The Chief Regulatory Officer shall have the authority to inspect the books and records of all parties subject to the jurisdiction of the Exchange pursuant to Rule 418 and the authority to require any such party to appear before him and produce his or its books and records and answer questions regarding alleged violations of Exchange Rules, at the time, place and in the manner he designates. The Chief Regulatory Officer may also delegate his authority to staff of the Market Regulation Department.

402. BUSINESS CONDUCT COMMITTEE

402.A. Jurisdiction and General Provisions

The Business Conduct Committee ("BCC") shall have: 1) jurisdiction over any party subject to the jurisdiction of the Exchange pursuant to Rule 418 with respect to matters relating to business conduct, trading practices, sales practices, trading ethics and market manipulations or other actions that threaten the integrity of the market; 2) the authority, pursuant to Rule 402.C., to take emergency actions; 3) the authority, pursuant to Rule 413.B., to conduct hearings on denials of access pursuant to Rule 413.A., 4) the authority to conduct hearings, proceedings and appeals on all matters over which it has jurisdiction; and 5) the authority to make findings on Rule violations against any party subject to the jurisdiction of

Exhibit 3

Login I Feedback

Search CMEGroup.com

Products & Trading -

Clearing -

Market Regulation ▼ Market Data ▼

Education -

About Us ▼

Global -

∞ ⇔ 💹



Search CME Rulebook

Search

Browse CME Rulebook

| Chapter | Торіс |
|---------|--|
| i. | CME Certificate of Incorporation |
| ii. | CME Bylaws |
| iii. | CME Definitions |
| 1 | Membership |
| 2 | Government |
| 3 | Exchange Committees |
| 4 | Enforcement of Rules |
| 5 | Trading Qualifications and Practices |
| 6 | Arbitration |
| 7 | Delivery Facilities and Procedures |
| 8 | Clearing House and Performance Bonds |
| 8A | Mutual Offset System |
| 8B | Security Futures Products |
| 8C | Clearing Services |
| 8E | Exempt Commercial Market (CME ECM INC.) |
| 8E101 | Midwest ISO Indiana Hub 5 MW Peak Calendar-Month Day-Ahead Swap(CME ECM) |
| 8F | Over-the-Counter Derivative Clearing |
| 8G | Interest Rate Derivative Clearing |
| 8H | Credit Default Swaps Clearing |
| 9 | Clearing Members |
| 10 | Regulatory Reporting of Swap Data |
| 51S | Butter - Spot Call |
| 52 | Class III Milk Futures |
| 52A | Options on Class III Milk Futures |
| 52B | Midsize Options on Class III Milk Futures |
| 53S | Cheese Spot Call |
| 54 | Nonfat Dry Milk Futures |
| 54A | Options on Nonfat Dry Milk Futures |
| 54S | Nonfat Dry Milk Spot-Call |
| | |

| 55 | Class IV Milk Futures |
|------|---|
| 55A | Options on Class IV Milk Futures |
| 56 | Cash Settled Butter Futures |
| 56A | Options on Cash-Settled Butter Futures |
| 57 | CME Dry Whey Futures |
| 57A | Options on Dry Whey Futures |
| 60 | Cheese Futures |
| 60A | Options on Cheese Futures |
| 101 | Live Cattle Futures |
| 101A | Options on Live Cattle Futures |
| 101B | Options on Live Cattle Futures Calendar Spreads |
| 102 | Feeder Cattle Futures |
| 102A | Options on Feeder Cattle Futures |
| 152 | Lean Hog Futures |
| 152A | Options on Lean Hog Futures |
| 152B | Options on Lean Hogs Futures Calendar Spreads |
| 201 | Random Length Lumber Futures |
| 201A | Options on Random Length Lumber Futures |
| 204 | U.S. Dollar Cash Settled Crude Palm Oil Futures |
| 204A | USD Malaysian Crude Palm Oil Calendar Swap (Cleared Only) |
| 251 | British Pound Sterling/U.S. Dollar (GBP/USD) Futures |
| 251A | Options on British Pound Sterling/U.S. Dollar (GBP/USD Futures |
| 251J | Great British Pound/U.S. Dollar ("GBP/USD") Realized Variance Futures |
| 252 | Canadian Dollar/U.S. Dollar (CAD/USD) Futures |
| 252A | Options on Canadian Dollar/U.S. Dollar (CAD/USD) Futures |
| 253 | Japanese Yen/U.S. Dollar (JPY/USD) Futures |
| 253A | Options on Japanese Yen/U.S. Dollar (JPY/USD) Futures |
| 253J | Japanese Yen/U.S. Dollar ("JPY/USD") Realized Variance Futures |
| 254 | Swiss Franc/U.S. Dollar (CHF/USD) Futures |
| 254A | Options on Swiss Franc/U.S. Dollar (CHF/USD) Futures |
| 255 | Australian Dollar/U.S. Dollar (AUD/USD) Futures |
| 255A | Options on Australian Dollar/U.S. Dollar (AUD/USD) Futures |
| 255J | Australian Dollar/U.S. Dollar ("AUD/USD") Realized Variance Futures |
| 256 | Mexican Peso/U.S. Dollar (MXN/USD) Futures |
| 256A | Options on Mexican Peso/U.S. Dollar (MXN/USD) Futures |
| 257 | Brazilian Real/U.S. Dollar (BRL/USD) Futures |
| 257A | Options on Brazilian Real/U.S. Dollar (BRL/USD) Futures |
| 257H | Cleared OTC U.S. Dollar/ Brazilian Real (USD/BRL) Spot, Forwards and Swaps) |
| 258 | New Zealand Dollar/U.S. Dollar (NZD/USD) Futures |
| 258A | Options on New Zealand Dollar/U.S. Dollar (NZD/USD) Futures |
| 259 | South African Rand/U.S. Dollar (ZAR/USD) Futures |
| 259A | |

| 259L | U.S. Dollar/South African Rand (USD/ZAR) Futures |
|------|--|
| 260 | Russian Ruble/U.S. Dollar (RUB/USD) Futures |
| 260A | Options on Russian Ruble/U.S. Dollar (RUB/USD) Futures |
| 260H | Cleared OTC U.S. Dollar / Russian Ruble (USD/ RUB) Spot, Forwards and Swaps |
| 261 | Euro/U.S. Dollar (EUR/USD) Futures |
| 261A | Options on Euro/U.S. Dollar (EUR/USD) Futures |
| 261J | Euro/U.S. Dollar ("EUR/USD") Realized Variance Futures |
| 262 | E-mini Euro/U.S. Dollar (EUR/USD) Futures |
| 263 | E-mini Japanese Yen/U.S. Dollar Futures |
| 264 | Norwegian Krone/U.S. Dollar (NOK/USD) Futures |
| 265 | Swedish Krona/U.S. Dollar (SEK/USD) Futures |
| 266 | Czech Koruna/U.S. Dollar (CZK/USD) Futures |
| 266A | Options on Czech Koruna/U.S. Dollar (CZK/USD) Futures |
| 267 | Hungarian Forint/U.S. Dollar (HUF/USD) Futures |
| 267A | Options on Hungarian Forin/U.S. Dollar (HUF/USD)t Futures |
| 268 | Polish Zloty/U.S. Dollar (PLN/USD) Futures |
| 268A | Options on Polish Zloty/U.S. Dollar (PLN/USD) Futures |
| 269 | Israeli Shekel/U.S. Dollar (ILS/USD) Futures |
| 269A | Options on Israeli Shekel/U.S. Dollar (ILS/USD) Futures |
| 270 | Chinese Renminbi/U.S. Dollar (RMB/USD) Futures |
| 270A | Options onChinese Renminbi/U.S. Dollar (RMB/USD) Futures |
| 270H | Cleared OTC U.S. Dollar/ Chinese Renminbi (USD/RMB) Spot, Forwards and Swaps |
| 270J | U.S. Dollar/Chinese Renminbi (USD/RMB or CNY) Futures with U.S. Dollar Banking |
| 271 | Korean Won/U.S. Dollar (KRW/USD) Futures |
| 271A | Options on Korean Won/U.S. Dollar (KRW/USD) Futures |
| 271H | Cleared OTC U.S. Dollar/Korean Won (USD/ KRW) Spot, Forwards and Swaps |
| 272 | U.S. Dollar/Turkish Lira (USD/TRY) Futures |
| 273H | Cleared OTC U.S. Dollar/ Colombian Peso (USD/COP) Spot, Forwards and Swaps |
| 274H | Cleared OTC U.S. Dollar/ Chilean Peso (USD/CLP) Spot, Forwards* and Swaps |
| 277H | Cleared OTC U.S. Dollar/ Peruvian Nuevo Sol (USD/PEN) Spot, Forwards and Swaps |
| 279 | Indian Rupee/U.S. Dollar (INR/USD) Futures |
| 279H | Cleared OTC U.S. Dollar/ Indian Rupee (USD/INR) Spot, Forwards and Swaps |
| 280H | Cleared OTC U.S. Dollar/ Malaysian Ringgit (USD/MYR) Spot, Forwards and Swaps |
| 281H | Cleared OTC U.S. Dollar/ Indonesian Rupiah (USD/IDR) Spot, Forwards and Swaps |
| 282H | Cleared OTC U.S. Dollar/ Taiwan Dollar (USD/TWD) Spot, Forwards and Swaps |
| 283H | Cleared OTC U.S. Dollar/ Philippines Peso (USD/PHP) Spot, Forwards and Swaps |
| 284L | U.S. Dollar/Offshore Chinese Renminbi (USD/RMB) Futures |
| 290 | E-micro British Pound Sterling/U.S. Dollar(GBP/USD) Futures |
| 291 | E-micro Australian Dollar/U.S. Dollar (AUD/USD) Futures |
| 292 | E-micro Euro/U.S. Dollar (EUR/USD) Futures |
| 293 | E-micro Canadian Dollar / U.S.Dollar(CAS/USD) Futures |
| 294 | E-micro Japanese Yen /U.S. Dollar(JPY/USD) Futures |

| 295 | E-micro Swiss Franc/U.S. (CHF/USD) Futures |
|------|--|
| 296 | E-Micro Indian Rupee/U.S. Dollar (INR/USD) Futures |
| 300 | CME WM/Reuters OTC Spot, Forward and Swap Contracts |
| 301 | Euro/ British Pound Sterling (EUR/GBP) Cross Rate Futures |
| 301A | Options on Euro/ British Pound Sterling (EUR/GBP) Cross Rate Futures |
| 302 | Euro/ Canadian Dollar (EUR/CAD) Cross Rate Futures |
| 303 | Euro/ Japanese Yen (EUR/JPY) Cross Rate Futures |
| 303A | Options on Euro/ Japanese Yen (EUR JPY) Cross Rate Futures |
| 304 | Euro/ Swiss Franc (EUR/CHF) Cross Rate Futures |
| 304A | Options on Euro/ Swiss Franc (EUR/CHF) Cross Rate Futures |
| 305 | British Pound Sterling/ Japanese Yen (GBP/JPY) Cross Rate Futures |
| 306 | British Pound Sterling/ Swiss Franc (GBP/CHF) Cross Rate Futures |
| 307 | Swiss Franc/ Japanese Yen CHF/JPY) Cross Rate Futures |
| 308 | Australian Dollar/ Canadian Dollar (AUD/CAD) Cross Rate Futures |
| 309 | Australian Dollar/ Japanese Yen (AUD/JPY) Cross Rate Futures |
| 310 | Australian Dollar/ New Zealand Dollar (AUD NZD) Cross Rate Futures |
| 311 | Canadian Dollar/ Japanese Yen (CAD JPY) Cross Rate Futures |
| 312 | Euro/ Australian Dollar (EUR/AUD) Cross Rate Futures |
| 313 | Euro / Norwegian Krone (EUR/NOK) Cross Rate Futures |
| 314 | Euro/ Swedish Krona (EUR/SEK) Cross Rate Futures |
| 315 | Euro/ Czech Koruna (EUR/CZK) Cross Rate Futures |
| 315A | Options on Euro/ Czech Koruna (EUR/CZK) Cross Rate Futures |
| 316 | Euro/ Hungarian Forint (EUR/HUF) Cross Rate Futures |
| 316A | Options on Euro/ Hungarian Forint (EUR/HUF) Cross Rate Futures |
| 317 | Euro/ Polish Zloty (EUR/PLN) Cross Rate Futures |
| 317A | Options on Euro/ Polish Zloty (EUR/PLN) Cross Rate Futures |
| 318 | Chinese Renminbi/Euro (RMB/EUR) Cross Rate Futures |
| 318A | Options on Chinese Renminbi/ Euro (RMB/EUR) Cross Rate Futures |
| 319 | Chinese Renminbi/ Japanese Yen (RMB/JPY) Cross Rate Futures |
| 319A | Options on Chinese Renminbi/ Japanese Yen (RMB/ JPY) Cross Rate Futures |
| 320 | Euro/Turkish Lira (EUR/TRY) Cross Rate Futures |
| 340 | E-Micro U.S. Dollar/Canadian Dollar (USD/CAD) Futures |
| 341 | E-micro U.S. Dollar/Japanese Yen (USD/JPY)Futures |
| 342 | E-micro U.S. Dollar/Swiss Franc (USD/CHF) Futures |
| 343J | E-Micro U.S. Dollar/Chinese Renminbi (USD/RMB or CNY) Futures with U.S. Dollar Banking |
| 344L | E-Micro U.S. Dollar/Offshore Chinese Renminbi (USD/RMB) Futures |
| 351 | Standard and Poor's 500 Stock Price Index Futures |
| 351A | Options on Standard and Poor's 500 Stock Price Index Futures |
| 352 | Nikkei Stock Average Futures |
| 352A | Options on Nikkei Stock Average Futures |
| 352B | Yen Denominated Nikkei Stock Average Futures |
| | |

| 352C | Options on Yen Denominated Nikkei Stock Average Futures |
|------|---|
| 353 | Standard and Poor's MidCap 400 Stock Price Index Futures |
| 353A | Options on Standard and Poor's Midcap 400 Stock Price Index Futures |
| 354 | USD Denominated Ibovespa Futures |
| 355 | S&P 500/ Growth Index Futures |
| 355A | Options on S&P 500/ Growth Index Futures |
| 356 | S&P 500/ Value Index Futures |
| 356A | Options on S&P 500/ Value Index Futures |
| 357 | NASDAQ 100 Index® Futures |
| 357A | Options on NASDAQ 100 Index Futures |
| 358 | E-mini Standard and Poor's 500 Stock Price Index Futures |
| 358A | Options on E-mini Standard and Poor's 500 Stock Price Index Futures |
| 358B | Euro Denominated E-mini Standard and Poor's 500 Stock Price Index Futures |
| 359 | E-mini NASDAQ 100 Index Futures |
| 359A | Options on E-mini NASDAQ 100 Index Futures |
| 360 | E-Mini NASDAQ Biotechnology Index Futures |
| 362 | E-mini Standard and Poor's Midcap 400 Stock Price Index Futures |
| 362A | Options on E-mini Standard & Poor's MidCap 400 Stock Price Index Futures |
| 368 | E-Mini S&P Smallcap 600 Index Futures |
| 368A | Options on E-mini S&P SmallCap 600 Stock Price Index Futures |
| 369 | E-mini Standard and Poor's Select Sector Stock Index Futures |
| 370 | E-mini Yen Denominated Nikkei Stock Average Index Futures |
| 375 | S&P MLP Index® |
| 377 | E-mini NASDAQ Composite Index Futures |
| 380 | Standard & Poor's SmallCap 600 Index Futures |
| 381 | E-mini CNX Nifty Index Futures |
| 382 | E-micro CNX Nifty Index Futures |
| 401 | S&P GSCI Commodity Index Futures |
| 401A | Options on S&P GSCI Commodity Index Futures |
| 402 | CME Seasonal Strip Snowfall Index Futures |
| 402A | Options on CME Seasonal Strip Snowfall Index Futures |
| 403 | CME Degree Days Index Futures |
| 403A | Options on CME Degree Days Index Futures |
| 404 | Dow Jones CME FX\$INDEX Futures |
| 405 | CME Seasonal Strip Degree Days Index Futures |
| 405A | Options on CME Seasonal Strip Degree Days Index Futures |
| 406 | CME European HDD Index Futures |
| 406A | Options on CME European HDD Index Futures |
| 407 | CME European Seasonal Strip HDD Index Futures |
| 407A | Options on CME European Seasonal Strip HDD Index Futures |
| 408 | CME European CAT Index Futures |
| 408A | Options on CME European CAT Index Futures |

| 409 | CME European Seasonal CAT Strip Index Futures |
|------|---|
| 409A | Options on CME European Seasonal Strip CAT Index Futures |
| 411 | CME Pacific Rim Index Futures |
| 411A | Options on CME Pacific Rim Index Futures |
| 412 | CME Pacific Rim Seasonal Index Futures |
| 412A | Options on CME Pacific Rim Seasonal Index Futures |
| 415 | S&P GSCI ER Index Futures |
| 415A | S&P GSCI ER Index Swaps (Cleared OTC) |
| 415B | S&P GSCI Enhanced ER Index Swaps (Cleared OTC) |
| 415C | S&P GSCI Gold Excess Return Index Swaps (Cleared OTC) |
| 415D | S&P GSCI Crude Oil Excess Return Index Swaps (Cleared OTC) |
| 415E | S&P-GSCI ER Index 2 Month Forward Swaps (Cleared OTC) |
| 415F | S&P-GSCI ER Index 3 Month Forward Swaps (Cleared OTC) |
| 416 | CME Frost Index Futures |
| 416A | Options on CME Frost Index Futures |
| 417 | CME Seasonal Frost Index Futures |
| 417A | Options on CME Seasonal Frost Index Futures |
| 418 | CME Snowfall Index Futures |
| 418A | Options on CME Snowfall Index Futures |
| 419 | CME Metro Area Housing Index Futures |
| 419A | Options on CME Metro Area Housing Index Futures |
| 420 | CME Composite Housing Index Futures |
| 420A | Options on CME Composite Housing Index Futures |
| 421 | CME Canadian Degree Days Index Futures |
| 421A | Options on CME Canadian Degree Days Index Futures |
| 422 | CME Canadian Seasonal Strip Degree Days Index Futures |
| 422A | Options on CME Canadian Seasonal Strip Degree Day Index Futures |
| 423 | CME Hurricane Index Second Event Seasonal Maximum Futures |
| 423A | Options on CME Hurricane Index Second Event Seasonal Maximum Futures |
| 424 | CME Weekly Average Temperature Index Futures |
| 424A | Options on CME Weekly Average Temperature Index Futures |
| 425 | CME Canadian CAT Index Futures |
| 425A | Options on CME Canadian CAT Index Futures |
| 426 | CME Canadian Seasonal CAT Strip Index Futures |
| 426A | Options on CME Canadian Seasonal CAT Strip Index Futures |
| 427 | CME Hurricane Index Seasonal Futures |
| 427A | Options on CME Hurricane Index Seasonal Futures |
| 428 | CME Hurricane Index Seasonal Maximum Futures |
| 428A | Options on CME Hurricane Index Seasonal Maximum Futures |
| 430 | CME Hurricane Index Second Event Seasonal Maximum Cat-In-A-Box Futures |
| 430A | Options on CME Hurricane Index Second Event Seasonal Maximum Cat-In-A-Box Futures |
| 431 | CME Hurricane Index Seasonal Cat-In-A-Box Futures |

| 431A | Options on CME Hurricane Index Seasonal Cat-In-A-Box Futures |
|------|--|
| 432 | CME Hurricane Index Seasonal Maximum Cat-In-A-Box Futures |
| 432A | Options on CME Hurricane Index Seasonal Maximum Cat-In-A-Box Futures |
| 435 | CME Barclays Capital U.S. Aggregate Bond Index Futures |
| 435A | Options on CME Barclays Capital U.S. Aggregate Bond Index Futures |
| 439 | CME Australian Degree Days Index Futures |
| 439A | Options on CME Australian Degree Days Index Futures |
| 440 | CME Australian Seasonal Strip Degree Days Index Futures |
| 440A | Options on CME Australian Seasonal Strip Degree Days Index Futures |
| 441 | CME Rainfall Index Futures |
| 441A | Options on CME Rainfall Index Futures |
| 442 | CME Seasonal Strip Rainfall Index Futures |
| 442A | Options on CME Seasonal Strip Rainfall Index Futures |
| 452 | Three-Month Eurodollar Futures |
| 452A | Options on Three-Month Eurodollar Futures |
| 452D | Options on Three-Month Eurodollar Futures Calendar Spreads |
| 453 | One-Month Eurodollar Futures |
| 453A | Options on One-Month Eurodollar Futures |
| 501 | Three-month Euroyen Futures |
| 501A | Options on Three-month Euroyen Futures |
| 503 | Three-Month Euribor Futures |
| 700 | Security Futures Products Standards |
| 701 | Security Futures Products Adjustments |
| 710 | Physically Delivered Single Security Futures |
| 800 | Over-the-Counter-Derivatives |
| 801 | CDS Contracts |
| 802 | CDX Index Untranched CDS Contracts |
| 803 | North American Single Name CDS Contracts |
| 804 | CME CDS Risk Committee |
| 805 | CME CDS Physical Settlement |
| 900 | Interest Rate Swaps |
| 901 | Interest Rate Swaps Contract Terms |

Related Links

- CBOT Rulebook
- NYMEX Rulebook
- Financial Safeguards
- Confidentiality Policy
- Speculative Position Limits
- Special Executive Reports

Futures & Options Trading

As the world's leading and most diverse derivatives marketplace, CME Group is where the world comes to manage risk. CME Group exchanges offer the widest range of global benchmark products across all major asset classes, including futures and options based on interest rates, equity indexes, foreign exchange, energy, agricultural commodities, metals, weather and real estate. CME Group brings buyers and sellers together through the CME Globex electronic trading platform and trading facilities in New York and Chicago. CME Group also operates CME Clearing, one of the largest central counterparty clearing services in the world, which provides clearing and settlement services for exchange-traded contracts, as well as for over-the-counter derivatives transactions through CME ClearPort.

Interact with CME Group





View RSS Feeds

Subscription Center

Follow us on Google+

p Follow us on Pinterest

Get LinkedIn





Idea Exchange

Idea Exchange is your direct link to the product managers, marketers, and the development teams who create cmegroup.com and will allow you to review functionality, participate in focus and provide feedback on upcoming Web initiatives



Contact Us

CME Group/Chicago HQ:

Local: +1 312 930 1000

Toll Free: +1 866 716 7274

Global Customer Contacts

More CME Group Direct Lines

Phone list by department

Global Partnerships

Exchange Partners

I Index Partners

I Subsidiaries & Other Ventures

Global

Français

I Deutsch

I Italiano

I Español

I Português

I 中文 (简体) Chinese Simplified

I 中文 (繁體) Chinese Traditional

I日本語 Japanese

I한국어 Korean

Global Offices Contact Information

Chicago - Global Headquarters

I New York

I Washington, D.C.

I Houston

l Calgary

I São Paulo

I London

l Belfast

I Singapore

I Hong Kong

l Tokyo

l Seoul

l Beijing



© 2014 CME Group Inc. All rights reserved.

I Site Map I Disclaimer

Careers

I Privacy Policy

CME Group is the world's leading and most diverse derivatives marketplace. The company is comprised of four Designated Contract Markets (DCMs). Further information on each exchange's rules and product listings can be found by clicking on the links to CME, CBOT, NYMEX, and COMEX.

Exhibit 4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Chicago Mercantile Exchange Inc.

Serial No.: 77/199.918

Filing Date: June 7, 2007

CHI Mark:

Examining Attorney:

Linda A. Powell

Law Office 106

DECLARATION

The substitute specimen(s) submitted on December 9, 2013 and attached hereto, was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use.

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application, 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members, 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Dated: August F. 2014

Name: Joseph T Kucale Jr

Title: Altorney of record for

Applicant, IL Bar Member

Exhibit 1



Chapter 423 CME Hurricane Index Futures

42300. SCOPE OF CHAPTER

This chapter is limited in application to CME Hurricane IndexTM ("CHI"TM) futures. In addition to this chapter, CHI futures shall be subject to the general rules and regulations of the Exchange insofar as applicable.

For purposes of this chapter, unless otherwise specified, times referred herein shall refer to and indicate Chicago time.

42301. CONTRACT SPECIFICATIONS

CHI values will be calculated by MDA Information Systems, Inc., using the methods described in the CME Hurricane Index: "Scope and Definitions" document, for hurricanes making landfall in the following locations:

• Eastern US (Brownsville, TX to Eastport, ME)

Separate futures contracts will be listed for trading on named hurricanes that make landfall in a specific location (e.g., Eastern US between January 1 and December 31 inclusive of a calendar year. At the beginning of each season storm names are used from a list, starting with A and ending with Z, maintained by the World Meteorological Organization. In the event that more than 21 named storms occur in a season, additional storms will take names from the Greek alphabet: Alpha, Beta, Gamma, Delta, and so on.

42302. TRADING SPECIFICATIONS

42302.A. Trading Schedule

Futures contracts shall be scheduled for trading during such hours in such months as may be determined by the Exchange.

42302.B. Trading Unit

The size of the unit of trading shall be \$1,000 times the respective CHI.

42302.C. Price Increments

The minimum price fluctuation on the respective CHI futures shall be 0.1 index point, and have a value of \$100.

42302.D. Position Limits, Exemptions, Position Accountability and Reportable Levels

The applicable position limits and/or accountability levels, in addition to the reportable levels, are set forth in the Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5.

A Person seeking an exemption from position limits for bona fide commercial purposes shall apply to the Market Regulation Department on forms provided by the Exchange, and the Market Regulation Department may grant qualified exemptions in its sole discretion.

Refer to Rule 559 for requirements concerning the aggregation of positions and allowable exemptions from the specified position limits.

42302.E. [Reserved] 42302.F. [Reserved]

42302.G. Termination of Trading

Futures trading shall terminate at 9:00 a.m. on the first Exchange Business Day that is at least five calendar days following the last forecast/advisory issued by the National Hurricane Center ("NHC") for the named storm, provided that both the NHC and the Hydrometeorological Prediction Center have stopped issuing advisories for that named storm, but in no event shall trading terminate prior to the first Exchange Business Day that is at least five calendar days following January 1, or later than the first Business Day that is at least five calendar days following December 31. If a particular named storm is unused (i.e. that storm has not formed), trading shall terminate at 9:00 a.m. on the first Exchange Business Day that is at least five calendar days following December 31.

42302.H. [Reserved] 42302.I [Reserved]



42303. SETTLEMENT PROCEDURES

42303.A. Final Settlement Price

All futures contracts remaining open at the termination of trading shall be settled using the respective CHI final value reported by MDA Information Systems, Inc. for that named storm, using the methodology in effect on that date and the NHC data from the Public Advisories issued through the life of the named storm.

For example, on August 30, 2005, the last NHC Advisory on Hurricane Katrina was issued; therefore on September 6, 2005, the Eastern US contract for Hurricane Katrina would have been settled at 20.4 CHI index points, using data from the NHC's Hurricane Katrina Advisories Number 9 (Florida landfall, CHI = 1.4) and Number 26A (Louisiana landfall, CHI = 19.0).

42303.B. Final Settlement

Clearing members holding open positions in a CHI futures contract at the termination of trading in that contract shall make payment to or receive payment from the Clearing House in accordance with normal variation performance bond procedures based on a settlement price equal to the final settlement price.

42304. [RESERVED]

42305.-06. [RESERVED]

(End Chapter 423)

INTERPRETATIONS AND SPECIAL NOTICES RELATING TO CHAPTER 423

LIMITATION OF LIABILITY AND DISCLAIMER

MDA Information Systems, Inc. ("MDA", formerly "Earth Sat") makes no warranty, express or implied, as to the results to be obtained by any person or any entity from the use of the Data in connection with the trading of futures contracts, options on futures contracts or any other use. MDA makes no express or implied warranties, and expressly disclaims all warranties of merchantability or fitness for a particular purpose or use with respect to the CHI. Without limiting any of the foregoing, in no event shall MDA have any liability for any special, punitive, indirect, or consequential damages (including lost profits), even if notified of the possibility of such damages.



Chapter 423A Options on CME Hurricane Index Futures

423A00. SCOPE OF CHAPTER

This chapter is limited in application to trading in put and call options on CME Hurricane Index™ ("CHI"™) futures. In addition to this chapter, options on CHI futures shall be subject to the general rules and regulations of the Exchange insofar as applicable.

For purposes of this chapter, unless otherwise specified, times referred herein shall refer to and indicate Chicago time.

423A01. OPTIONS CHARACTERISTICS

423A01.A. Contract Months and Trading Hours

Options contracts shall be listed for such contract months and scheduled for trading during such hours as may be determined by the Exchange.

423A01.B. Trading Unit

The trading unit shall be an option to buy, in the case of the call, or to sell, in the case of the put, one respective CHI futures contract as specified in Chapter 423.

423A01.C. Minimum Fluctuations

The price of an option shall be quoted in terms of the respective CHI. Each index point represents \$1,000. For example, a quote of 2 index points represents \$2,000. The minimum fluctuation shall be 0.1 CHI (also known as one tick), equal to \$100.

423A01.D. [Reserved]

423A01.E. Exercise Prices

Exercise prices shall be stated in terms of the respective CHI futures contract. Eligible exercise prices shall be at intervals of 1 index point (e.g., 10, 11, 12, etc.).

At the commencement of option trading in a contract month, the eligible put and call options are at intervals of 1 index point in a range of 0 to 30 index points. New options may be listed for trading up to and including the termination of trading.

The Exchange may modify the provisions governing the establishment of exercise prices as it deems appropriate.

423A01.F. Position Limits, Exemptions, Position Accountability and Reportable Levels

The applicable position limits and/or accountability levels, in addition to the reportable levels, are set forth in the Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5.

A Person seeking an exemption from position limits for bona fide commercial purposes shall apply to the Market Regulation Department on forms provided by the Exchange, and the Market Regulation Department may grant qualified exemptions in its sole discretion.

Refer to Rule 559 for requirements concerning the aggregation of positions and allowable exemptions from the specified position limits.

423A01.G. [Reserved]

423A01.H. [Reserved]

423A01.I. Termination of Trading

Options trading shall terminate on the same date and time as the underlying futures contract.

423A01.J. [Reserved]

423A02. EXERCISE AND ASSIGNMENT

In addition to the applicable procedures and requirements of Chapter 7, the following shall apply to the exercise of CHI options.

423A02.A. Exercise of Option by Buyer

An option may be exercised by the buyer on any Business Day the option is traded. Exercise of an option is accomplished by the clearing member representing the buyer presenting an Exercise Notice to the Clearing House by 7:00 p.m. on the day of exercise.



An option that is in the money and has not been liquidated prior to the termination of trading shall, in the absence of contrary instructions delivered to the Clearing House by 7:00 p.m. on the day of expiration by the clearing member representing the option buyer, be exercised automatically.

423A02.B. Assignment

Exercise notices accepted by the Clearing House shall be assigned through a process of random selection to clearing members with open short positions in the same series. A clearing member to which an exercise notice is assigned shall be notified thereof as soon as practicable after such notice is assigned by the Clearing House, but not later than 45 minutes before the opening of Regular Trading Hours in the underlying futures contract on the following Business Day.

The clearing member assigned an exercise notice shall be assigned a short position in the underlying futures contract if a call is exercised or a long position if a put is exercised. The clearing member representing the option buyer shall be assigned a long position in the underlying futures contract if a call is exercised and a short position if a put is exercised.

All such futures positions shall be assigned at a price equal to the exercise price of the option and shall be marked to market in accordance with Rule 814 on the Trading Day of acceptance by the Clearing House of the exercise notice.

423A03. [RESERVED]

(End Chapter 423A)

INTERPRETATIONS AND SPECIAL NOTICES RELATING TO CHAPTER 423A

LIMITATION OF LIABILITY AND DISCLAIMER

MDA Information Systems, Inc. ("MDA", formerly "Earth Sat") makes no warranty, express or implied, as to the results to be obtained by any person or any entity from the use of the Data in connection with the trading of futures contracts, options on futures contracts or any other use. MDA makes no express or implied warranties, and expressly disclaims all warranties of merchantability or fitness for a particular purpose or use with respect to the CHI. Without limiting any of the foregoing, in no event shall MDA have any liability for any special, punitive, indirect, or consequential damages (including lost profits), even if notified of the possibility of such damages.



Chapter 427 CME Hurricane Index Seasonal Futures

42700. SCOPE OF CHAPTER

This chapter is limited in application to CME Hurricane IndexTM ("CHI"TM) Seasonal futures. In addition to this chapter, CHI Seasonal futures shall be subject to the general rules and regulations of the Exchange insofar as applicable.

For purposes of this chapter, unless otherwise specified, times referred herein shall refer to and indicate Chicago time.

42701. CONTRACT SPECIFICATIONS

CHI Seasonal values will be calculated by MDA Information Systems, Inc., using the methods described in the "CME Hurricane Index: Scope and Definitions" document, for hurricanes making landfall in the following locations:

- Gulf Coast (Brownsville, TX to AL/FL Border)
- Florida (AL/FL Border to Fernandina Beach, FL)
- Southern Atlantic Coast (Fernandina Beach, FL to NC/VA Border)
- Northern Atlantic Coast (NC/VA Border to Eastport, ME)
- Eastern US (Brownsville, TX to Eastport, ME)
- Gulf + Florida (Brownsville, TX to Fernandina Beach, FL)
- Florida Gold Coast (Card Sound Bridge, FL to Jupiter Inlet, FL)
- Florida + Southern Atlantic + Northern Atlantic (AL/FL Border to Eastport, ME)

Separate futures contracts will be listed for trading on the accumulated CHI final settlement values for all hurricanes that make landfall in a specific location (e.g., Gulf Coast) between January 1 and December 31 inclusive of a calendar year.

42702. TRADING SPECIFICATIONS

42702.A. Trading Schedule

Futures contracts shall be scheduled for trading during such hours in such months as may be determined by the Exchange.

42702.B. Trading Unit

The size of the unit of trading shall be \$1,000 times the respective CHI Seasonal total.

42702.C. Price Increments

The minimum price fluctuation on the respective CHI Seasonal futures shall be 0.1 index point, and have a value of \$100.

42702.D. Position Limits, Exemptions, Position Accountability and Reportable Levels

The applicable position limits and/or accountability levels, in addition to the reportable levels, are set forth in the Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5.

A Person seeking an exemption from position limits for bona fide commercial purposes shall apply to the Market Regulation Department on forms provided by the Exchange, and the Market Regulation Department may grant qualified exemptions in its sole discretion.

Refer to Rule 559 for requirements concerning the aggregation of positions and allowable exemptions from the specified position limits.

42702.E. [Reserved]

42702.F. [Reserved]

42702.G. Termination of Trading

Futures trading shall terminate at 9:00 a.m. on the first Exchange Business Day that is at least five calendar days following December 31.

42702.H. [Reserved]



42702.I. [Reserved]

42703. SETTLEMENT PROCEDURES

42703.A. Final Settlement Price

All futures contracts remaining open at the termination of trading shall be settled using the respective CHI Seasonal final value reported by MDA Information Systems, Inc.,, using the methodology in effect on that date. For example, on January 5, 2006, the 2005 Gulf Coast Seasonal contract would have been settled at 28.9 CHI index points.

42703.B. Final Settlement

Clearing members holding open positions in a CHI Seasonal futures contract at the termination of trading in that contract shall make payment to or receive payment from the Clearing House in accordance with normal variation performance bond procedures based on a settlement price equal to the final settlement price.

42704. [RESERVED] 42705.-06. [RESERVED]

(End Chapter 427)

INTERPRETATIONS AND SPECIAL NOTICES RELATING TO CHAPTER 427

LIMITATION OF LIABILITY AND DISCLAIMER

MDA Information Systems, Inc. ("MDA", formerly "Earth Sat") makes no warranty, express or implied, as to the results to be obtained by any person or any entity from the use of the Data in connection with the trading of futures contracts, options on futures contracts or any other use. MDA makes no express or implied warranties, and expressly disclaims all warranties of merchantability or fitness for a particular purpose or use with respect to the CHI. Without limiting any of the foregoing, in no event shall MDA have any liability for any special, punitive, indirect, or consequential damages (including lost profits), even if notified of the possibility of such damages.



Chapter 428 CME Hurricane Index Seasonal Maximum Futures

42800. SCOPE OF CHAPTER

This chapter is limited in application to CME Hurricane Index ™ ("CHI"™) Seasonal Maximum futures. In addition to this chapter, CHI Seasonal Maximum futures shall be subject to the general rules and regulations of the Exchange insofar as applicable.

For purposes of this chapter, unless otherwise specified, times referred herein shall refer to and indicate Chicago time.

42801. CONTRACT SPECIFICATIONS

CHI Seasonal Maximum values will be calculated by MDA Information Systems,

Inc., using the methods described in the "CME Hurricane Index: Scope and Definitions" document, for hurricanes making landfall in the following locations:

- Gulf Coast (Brownsville, TX to AL/FL Border)
- Florida (AL/FL Border to Fernandina Beach, FL)
- Southern Atlantic Coast (Fernandina Beach, FL to NC/VA Border)
- Northern Atlantic Coast (NC/VA Border to Eastport, ME)
- Eastern US (Brownsville, TX to Eastport, ME)
- Gulf + Florida (Brownsville, TX to Fernandina Beach, FL)
- Florida Gold Coast (Card Sound Bridge, FL to Jupiter Inlet, FL)
- Florida + Southern Atlantic + Northern Atlantic (AL/FL Border to Eastport, ME)

Separate futures contracts will be listed for trading on the maximum CHI final settlement value for hurricanes that make landfall in a specific location (e.g., Gulf Coast) between January 1 and December 31 inclusive of a calendar year.

42802. TRADING SPECIFICATIONS

42802.A. Trading Schedule

Futures contracts shall be scheduled for trading during such hours in such months as may be determined by the Exchange.

42802.B. Trading Unit

The size of the unit of trading shall be \$1,000 times the respective CHI.

42802.C. Price Increments

The minimum price fluctuation on the respective CHI seasonal maximum futures shall be 0.1 index point, and have a value of \$100.

42802.D. Position Limits, Exemptions, Position Accountability and Reportable Levels

The applicable position limits and/or accountability levels, in addition to the reportable levels, are set forth in the Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices Section of Chapter 5.

A Person seeking an exemption from position limits for bona fide commercial purposes shall apply to the Market Regulation Department on forms provided by the Exchange, and the Market Regulation Department may grant qualified exemptions in its sole discretion.

Refer to Rule 559 for requirements concerning the aggregation of positions and allowable exemptions from the specified position limits.

42802.E. [Reserved]

42802.F. [Reserved]

42802.G. Termination of Trading

Futures trading shall terminate at 9:00 a.m. on the first Exchange Business Day that is at least five calendar days following December 31.



42802.H. [Reserved] 42802.I. [Reserved]

42803. SETTLEMENT PROCEDURES

42803.A. Final Settlement Price

All futures contracts remaining open at the termination of trading shall be settled using the respective CHI Seasonal Maximum final value reported by MDA Information Systems, Inc.,, using the methodology in effect on that date. For example, on January 5, 2006, the 2005 Gulf Coast Seasonal Maximum contract would have been settled at 19.0 CHI index points.

42803.B. Final Settlement

Clearing members holding open positions in a CHI Seasonal Maximum futures contract at the termination of trading in that contract shall make payment to or receive payment from the Clearing House in accordance with normal variation performance bond procedures based on a settlement price equal to the final settlement price.

42804. [RESERVED]

42805.-06. [RESERVED]

(End Chapter 428)

INTERPRETATIONS AND SPECIAL NOTICES RELATING TO CHAPTER 428

LIMITATION OF LIABILITY AND DISCLAIMER

MDA Information Systems, Inc. ("MDA", formerly "Earth Sat") makes no warranty, express or implied, as to the results to be obtained by any person or any entity from the use of the Data in connection with the trading of futures contracts, options on futures contracts or any other use. MDA makes no express or implied warranties, and expressly disclaims all warranties of merchantability or fitness for a particular purpose or use with respect to the CHI. Without limiting any of the foregoing, in no event shall MDA have any liability for any special, punitive, indirect, or consequential damages (including lost profits), even if notified of the possibility of such damages.